

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE MACERICH PARTNERSHIP, LP, et al.,

Plaintiff(s),

v.

McCARTHY BUILDING COMPANIES, et al.,

Defendant(s)/Third-Party  
Plaintiffs,

v.

PACIFIC ERECTORS, INC., et al.,

Third-Party Defendant(s).

NO. C03-2656P

ORDER ON MOTION TO STRIKE  
SUPPLEMENTAL DISCLOSURE OF  
EXPERT WITNESSES

The above-entitled Court, having received and reviewed:

1. Plaintiff's Motion to Strike Defendant's Supplemental Disclosure of Expert Witnesses
  2. McCarthy Building Companies, Inc.'s and SDL Corporation's Opposition to Plaintiffs' Motion to Strike Defendants' Supplemental Disclosure of Expert Witnesses
- and all exhibits and declarations attached thereto, makes the following ruling:

IT IS HEREBY ORDERED that the motion is GRANTED and the Defendants' Second Supplemental Disclosure of Expert Witnesses is stricken.

This case was filed in 2003. The Court finds that not a single acceptable reason has been advanced to explain why the parties' experts are rendering new opinions this long after the cutoff date for expert disclosures. This Court further finds that the Supplemental Disclosure of Expert Witnesses submitted by Defendants fails to meet the substantive requirements of FRCP 26. The submission does

1 not contain "a complete statement of all opinions to be expressed and the basis and reasons therefore"  
2 as is mandated by the federal civil rules and prior orders of this Court.

3 The testimony of Defendants' expert Mr. Pihl will be limited to those opinions exchanged,  
4 expressed, offered via affidavit or testified to on or prior to December 15, 2005.

5  
6 The clerk is directed to provide copies of this order to all counsel of record.

7 Dated: April \_\_7\_\_, 2006

8  
9 

10 Marsha J. Pechman  
11 U.S. District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25